

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

INLAND CORPORATION, *et al.*,

Plaintiffs,

vs.

T.E.P., LLC, *et al.*,

Defendant.

:

:

:

Case No. 3:14cv328

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF UNITED STATES MAGISTRATE JUDGE IN THEIR ENTIRETY (DOC.
#2) AND OVERRULING DEFENDANT'S OBJECTIONS THERETO (DOC.
#3); DEFENDANT PAYNE'S REQUEST FOR PERMISSION TO FILE
NOTICE OF REMOVAL *IN FORMA PAUPERIS* DENIED; DIRECTION TO
THOMAS PAYNE

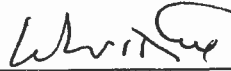
Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations filed October 2, 2014 (Doc. #2), said judicial filing is adopted in its entirety. The Defendant Thomas Payne's Objections to the Report and Recommendations (Doc. #3) are overruled.

Given that the captioned cause is both non-removable, as it lacks complete diversity of citizenship, removal would be barred by the passage of time. Given that removal *in forma pauperis* would be a vain act, the motion is denied.

The Defendant Thomas Payne has two options in this matter. First, he is more than welcome to pay the filing fee required by removal efforts, in a non-*in forma pauperis* situation, realizing that he would face the same obstacles to removal as set forth by the Magistrate Judge and the Court herein or, second, he may simply dismiss the captioned cause. Said Defendant

must notify the Court as to his wishes with regard to the two options set forth above not later than ten (10) calendar dates from above.

October 10, 2014



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of record
Thomas Payne, *Pro Se*